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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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<p>UNITED STATES OF AMERICA, v. MODESTO JOE PENA,</p> <p>Plaintiff, Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING GOVERNMENT'S MOTION IN LIMINE SEEKING IN- COURT VIEWING OF SIONE PUTUTAU AND DEFENDANT</p> <p>Case No. 2:20-CR-304 TS</p> <p>District Judge Ted Stewart</p>
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This matter is before the Court on the government's Motion in Limine Seeking In-Court Viewing of Sione Pututau and Defendant.<sup>1</sup> In its Motion, the government states its intention to have Mr. Pututau and Defendant stand and face the jury to allow the jury to view their physical characteristics in person. The government asserts that “[t]his real-life demonstration will afford the jury an opportunity to view each individual and to draw their own observations and conclusions as to Pututau's and [D]efendant's respective similarities and differences” among other things.<sup>2</sup> Defendant's Response states that the parties have stipulated to this and requests that the Motion be denied as moot.

Because the Defendant does not dispute the government's Motion, the Court will grant the Motion.

It is therefore

ORDERED that the government's Motion in Limine (Docket No. 124) is GRANTED.

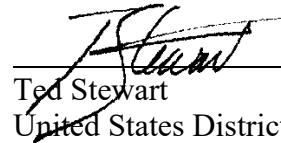
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<sup>1</sup> Docket No. 124.

<sup>2</sup> *Id.* at 2.

DATED this 30<sup>th</sup> day of December, 2022.

BY THE COURT:

  
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Ted Stewart  
United States District Judge